

**Notice of Allowability**

Application No.

09/963,602

Examiner

David A Reifsnnyder

Applicant(s)

COLLASIUS ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 27 September 2001.
2. ☒ The allowed claim(s) is/are 15-19 (renumbered claims 2-5 and 1, respectively).
3. ☒ The drawings filed on 27 September 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/424,537.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892) NONE IN CASE

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 20010927

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### ***In The Specification***

The first paragraph of page 1 of the specification is replaced with the following:

This application is a divisional of co-pending Application No. 09/424,537, filed on November 24, 1999, now U.S. Patent No. 6,315,902 and for which priority is claimed under 35 U.S.C. § 120. Application No. 09/424,537 is the national phase of PCT International Application No. PCT/EP98/03130 filed on May 27, 1998 under 35 U.S.C. § 371. The entire contents of each of the above identified applications are hereby incorporated by reference. This application also claims priority of Application No. 197 22 02 1.5 filed in Germany on May 27, 1997 under 35 U.S.C. § 119.

### REASONS FOR ALLOWANCE

The main reason for the allowance of claims 15-19 is the instantly claimed method for selectively filtering mixtures containing biopolymers utilizing an apparatus containing compartments comprising inlet and outlet openings of a carrier body under reduced pressure and for vacuum drying drops of the mixtures present in the area of the outlet openings of the compartments, including a chamber (24) comprising an interior space (46) limited by a top wall (40), a bottom wall (38) and lateral walls (42, 44) connecting them, the top wall (40) comprising an opening (48) with an opening edge (52) whereon a closing lid (84) or the carrier body (26) can selectively be placed in a substantially gastight manner by means of outlet openings (32) directed towards the interior space (46) of the chamber (24), one of the lateral walls being formed as an access lateral wall (44) which can be opened and closed substantially gastightly for introducing the carrier body (26) into the interior space (46) of the chamber (24), and the bottom wall (38) comprising a drain (76, 78) for liquid exiting from the outlet openings (32) of the compartments (28) of the carrier body (26), and a vacuum pump (82) with a suction conduit (81) terminating in the interior space (46) of the chamber (24) for producing a first low pressure for drawing liquid samples through the outlet openings (32) of the compartments (28) with the carrier body (26) being placed on the opening edge (50) of the top wall (40) and the access lateral wall (44) of the chamber

(24) being closed and for producing a second low pressure higher than the first low pressure for drying drops of liquid samples still present on the outlet openings (32) of the compartments (28) with the carrier body (26) being located in the interior space (48) of the chamber (24) and the lid (84) being placed on the opening edge (50) of the top wall (40) as well as the access lateral wall (44) of the chamber (24) being closed, said method comprising separating, isolating and/or purifying biopolymers from said mixtures containing said biopolymers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Reifsnyder whose telephone number is (571) 271-1145. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda M Walker can be reached on (571) 272-1151. The fax phone

Art Unit: 1723

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David A Reifsnyder  
Primary Examiner  
Art Unit 1723

DAR